

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-CV-710 -MOC-DSC**

HAYWARD INDUSTRIES, INC.,

Plaintiff, Counterclaim Defendant

v.

ORDER

BLUEWORKS CORPORATION,
BLUEWORKS INNOVATION
CORPORATION, NINGBO C.F.
ELECTRONIC TECH CO., LTD; NINGBO
YISHANG IMPORT AND EXPORT CO.,
LTD.

Defendants, Counterclaim Plaintiffs.

THIS MATTER is before the Court on Plaintiff Hayward Industries, Inc.'s Motion for a Permanent Injunction, (Doc. No. 358), following the jury verdict in this matter, (Doc. No. 353), finding Defendants liable under the Lanham Act, the Copyright Act, and the North Carolina Unfair or Deceptive Trade Practices Act. For good cause shown, Plaintiff's motion is hereby **GRANTED**.

IT IS THEREFORE ORDERED, that:

1. Defendants,¹ and any persons or entities acting by, through, or in active concert with them, including, but not limited to, Defendants' owners, directors, principals, members, employees, subsidiaries, agents, and affiliates, are **PERMANENTLY ENJOINED** from making any statements in any advertisement (including, but not limited to, advertisements, statements, and product listings on Amazon.com and other e-

¹ The Court has previously found *sua sponte* that all Defendants are *alter egos* of one another. See (March 1, 2024 Trial Tr. at 10).

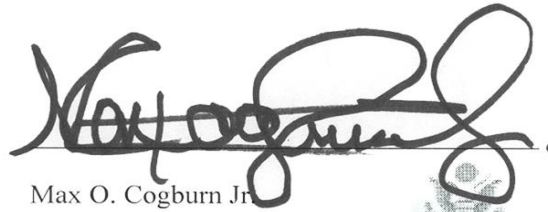
commerce platforms, storefronts, solicitation emails sent to potential customers to promote or sell products, websites operated by Defendants used to promote or sell products, and/or any other marketing materials), that contain or pertain to the following, are similar to the following, or convey a message similar to the following (collectively, “Prohibited Phrases”):

- Defendants cell plates or salt cells are “made in the USA” (or similar statements, such as “cell plates [made by] [provided by] USA company” and “cell plates [made by] [provided by] USA manufacturer”);
 - “same cell supplier as original” and equivalent statements;
 - Defendants’ salt cells are the “same as,” “equivalent to,” or “comparable to,” Plaintiff’s salt cells;
 - Defendants’ salt cells are “NSF” certified; and
 - Any suggestion that Defendants are the OEM (original equipment manufacturer) for Plaintiff’s products or that Defendants make Plaintiff’s products or make their own products using components acquired from Plaintiff’s suppliers.
2. Defendants must include in their advertising prominent disclaimers to make clear that Plaintiff has not endorsed, authorized, or approved Defendants’ salt cells for use with Plaintiff’s controllers.
 3. To the extent that Defendants mention any of Plaintiff’s trademarks in a fair use manner, Defendants must include the circle-R registration symbol (®) and display the trademark in all capital letters (for example, T-CELL-15®) and must include a prominent statement that the trademark is owned by Plaintiff and used without license.
 4. Within five (5) business days of this order, Defendants must also take down from Amazon.com, Alibaba, Blueworks.com, and any other ecommerce platforms, any

advertisements or statements that state that include any of the other Prohibited Phrases or do not otherwise comply with the requirements in this Order.

5. Defendants are **PERMANENTLY ENJOINED** from copying, in whole or in part, Plaintiff's copyrighted AquaRite® installation manuals.

Signed: March 19, 2025



Max O. Cogburn Jr.
United States District Judge